

Message Text

LIMITED OFFICIAL USE

PAGE 01 GUATEM 01381 190104Z

73

ACTION ARA-10

INFO OCT-01 ISO-00 AID-05 IGA-02 FDRE-00 OC-05 CCO-00 EB-07

L-03 CIAE-00 INR-07 NSAE-00 PM-04 NSC-05 SP-02 SS-15

SSO-00 NSCE-00 INRE-00 /066 W
----- 012676

O 190044Z FEB 76 ZFF-6

FM AMEMBASSY GUATEMALA

TO SECSTATE WASHDC IMMEDIATE 380

INFO SECDEF WASHDC IMMEDIATE

JCS WASHDC IMMEDIATE

USCINCSO IMMEDIATE

LIMITED OFFICIAL USE GUATEMALA 1381

E.O. 11652:NA

TAGS: SWEL, MARR, GT, US

SUBJ: GUATEMALAN EARTHQUAKE: LEGAL STATUS OF US MILITARY FORCES

REF: GUATEMALA 1314

1. WE UNDERSTAND DOD AND SOUTHCOM HAVE ASKED INFORMALLY ABOUT LEGAL STATUS OF ARMY ENGINEERS IF THEY ARE ASSIGNED TO GUATEMALA FOR UP TO 90 DAYS PURSUANT REFTEL. SUGGESTION HAS BEEN MADE THAT CONSIDERATION MAY BE GIVEN TO NEGOTIATION OF STATUS OF FORCES AGREEMENT.

2. ANY ATTEMPT TO NEGOTIATE AN ENTIRELY NEW AGREEMENT WITH GOG FOR PURPOSES OF THIS SHORT-TERM ASSIGNMENT OF ENGINEERS WOULD BE BOTH FUTILE AND UNNECESSARY. LEGAL PROTECTION CAN BE GIVEN TO ENGINEERS IN EITHER OF TWO WAYS:

A. USMILGP COULD FOLLOW SAME FORMAL NOTIFICATION PROCEDURES (LETTER TO MINDEF) IN CASE OF ENGINEERS THAT IT FOLLOWS WITH REGARD TO ITS OWN PERSONNEL, BASED ON ARTICLE V.2 OF MUTUAL DEFENSE ASSISTANCE AGREEMENT OF 1955(6UST 2115).

B. IF FOREGOING IS UNACCEPTABLE TO GOG OR TO USG, EMBASSY COULD PREPARE EXCHANGE OF NOTES WITH FOREIGN

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GUATEM 01381 190104Z

MINISTRY, PATERNEED AFTER EXCHANGE OF 1965 (16 UST

742) USING LANGUAGE ALONG FOLLOWING LINES: "IT IS THE UNDERSTANDING OF MY GOVERNMENT THAT YOUR EXCELLENCY'S GOVERNMENT AGREES THAT ALL UNITED STATES MILITARY PERSONNEL ASSIGNED TO THE ATLANTIC HIGHWAY CONSTRUCTION PROJECT IN GUATEMALA ARE TO BE CONSIDERED PRESENT IN GUATEMALA PURSUANT TO THE TERMS OF ARTICLE V OF THE MUTUAL DEFENSE ASSISTANCE AGREEMENT OF JUNE 18, 1955 AND IS THEREFORE WILLING TO ACCORD TO THEM THE PRIVILEGES AND IMMUNITIES PROVIDED BY THAT ARTICLE."

3. EITHER PROCEDURE WOULD OBTAIN FOR ENGINEERS THE SAME STATUS AS THAT PRESENTLY ENJOYED BY USMILGP. GUATEMALAN COURTS HAVE BEEN LIBERAL IN THEIR INTERPRETATION OF EXISTING AGREEMENT, AS IN 1974 TRAFFIC FATALITY INVOLVING MILGP ENLISTED MAN IN WHICH COURTS RULED THEY DID NOT HAVE JURISDICTION BECAUSE OF EM'S IMMUNITY.
MELOY

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTRUCTION, ENGINEERING, MILITARY PERSONNEL, DIPLOMATIC PRIVILEGES, EARTHQUAKES, HIGHWAYS, STATUS OF FORCES AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: powellba
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976GUATEM01381
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760061-0427
From: GUATEMALA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760236/aaaabevz.tel
Line Count: 79
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 GUATEMALA 1314
Review Action: RELEASED, APPROVED
Review Authority: powellba
Review Comment: n/a
Review Content Flags:
Review Date: 19 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 JUL 2004 by ElyME>; APPROVED <25 OCT 2004 by powellba>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GUATEMALAN EARTHQUAKE: LEGAL STATUS OF US MILITARY FORCES
TAGS: SWEL, MARR, GT, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006